

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 471/91
T. A. No.

199

DATE OF DECISION 26.8.1991

S.Geetha Kumari and 24 others _____ Applicant (s)

Mr.M.Paul Varghese _____ Advocate for the Applicant (s)

Versus

Union of India represented by its Secretary,
Ministry of Communications, Department of Posts, Respondent (s)
New Delhi and another

Mr.V.V.Sidharthan, ACGSC _____ Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S.P.MUKERJI, VICE CHAIRMAN

The Hon'ble Mr. A.V.HARIDASAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? ☒
2. To be referred to the Reporter or not? ☒
3. Whether their Lordships wish to see the fair copy of the Judgement? ☒
4. To be circulated to all Benches of the Tribunal? ☒

JUDGEMENT

(Hon'ble Shri S.P.Mukerji, Vice Chairman)

In this application dated 18.3.1991 filed under Section 19 of the Administrative Tribunals Act the twenty five applicants who have been working as Postal Assistants, L.R.P.A. and similar capacities under the Senior Superintendent of Post Offices, Trivandrum ^{North} Division have prayed that they should be declared to be entitled to productivity linked bonus for the period they rendered service while in the Reserve Trained Pool at the same rates as are applicable to regular employees and to direct the respondents to disburse the same with arrears.

2. For their claim they have invoked the decision of this Tribunal in similar cases in O.A 171/89 and O.A 612/89. According to the applicants having been recruited on the basis of a qualifying examination in 1982 and 1983 and

having undergone practical training for 15 days and included in the Reserve Trained Pool they have been working as short-duty Postal Assistants in various Post Offices in Trivandrum North Postal Division. They were drafted for working as short-duty Postal Assistants whenever there ^{were} were short-term vacancies in the regular cadre and were being paid wages at the rate of Rs.2.75 per hour. They were discharging identical duties as those of regular employees but have been denied the productivity linked bonus as granted to the regular employees during 1988, 1989 and 1990. In identical circumstances this Tribunal in O.A 132/89, O.A 171/89 and O.A 612/89 granted the applicants productivity linked bonus as was admissible to casual workers. Even though the respondents herein were parties to those applications, they denied the same benefits to the applicants before us stating that the applicants before us were not parties to those cases.

3. The respondents before us did not file any counter-affidavit or statement despite opportunity to do the same having been given. Accordingly we have heard the arguments of the learned counsel for both the parties and gone through the documents. A similar application O.A 637/91 was disposed of by us in our judgment therein dated 30.4.91.

The following extracts from that judgment are pertinent:

"Again a similar issue was decided by this Bench of the Tribunal (to which one of us was a party) in its judgment dated 18.6.90 in O.A. 179/89. The Tribunal relying upon our judgment in O.A. 612/89 held as follows:-

"The question of payment of Productivity Linked Bonus to the Reserve Trained Pool Postal Assistants

was considered by this Bench of the Tribunal to which one of us (Shri S.P. Mukerji) was a party in O.A. 612/89. In the judgment dated 26.4.90 in that case the two applicants therein as R.T.P. were declared to be entitled to the benefit of Productivity Linked Bonus, if like casual workers they have put in 240 days of service each year for three years or more as on 31st March of each year after their recruitment. The ratio in that judgment was that no distinction can be made between an R.T.P. worker and the casual labourer. If casual labourers have been given ex-gratia payment on the lines of Productivity Linked Bonus there was no reason why the R.T.P. candidates also should not get the same after they fulfil the same conditions of intermittent employment etc. which are applicable to Casual Labourers also. The argument of the respondents in the case before us that R.T.P. candidates being not regular employees and not holding any post are not entitled to Productivity Linked Bonus cannot be accepted because Casual Labourers also are not regular employees nor do they hold any post in the department. It appears that R.T.P. candidates were excluded from the Bonus scheme because as indicated by the respondents themselves, when the original scheme of Productivity Linked Bonus was framed the category of R.T.P. was not in existence. For that account they cannot be, to our mind, discriminated against."

4. In the facts and circumstances we allow this application, declaring that the applicants while they were in the R.T.P. category, are entitled to the benefits of productivity linked bonus, if like the casual workers they had put in 240 days of service each year for three years or more as on 31st March of each bonus year after their recruitment as R.T.P. candidates. The amount of productivity linked bonus would be based on their average monthly emoluments determined by dividing the total emoluments for each accounting year of eligibility, by 12 and subject to other conditions of the scheme prescribed from time to time. There will be no order as to costs.

(A.V. Haridasan)
Judicial Member

(S.P. Mukerji)
Vice Chairman